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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-174

13 SUZANNE MARIE PHELPS
a.k.a., SUZANNE MARIE BELL
14 3850 Skofsdad Street, #3
Riverside, CA 92505-3019

ACCUSATION

15 and

16 "LET'S BE CLEAN" Sober Living
1356 N. Arrowhead Ave.
San Bernardino, CA 92405

17 Registered Nurse License No. 404072

18 Respondent.
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20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
23 in her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
24 Department of Consumer Affairs.

25 2. On or about August 31, 1986, the Board issued Registered Nurse License
26 No. 404072 to Suzanne Marie Phelps, also known as Suzanne Marie Bell (Respondent). The
27 Registered Nurse License was in full force and effect at all times relevant to the charges brought
28 herein and expired on September 30, 2008.

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3. This Accusation is brought before the Board, under the authority of the

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4. Section 2750 of the Business and Professions Code (Code) provides, in

5. Section 2764 of the Code provides, in pertinent part, that the expiration of

6. Section 2761 of the Code states:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

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“(d) Violating or attempting to violate, directly or indirectly, or assisting in or

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“(f) Conviction of a felony or of any offense substantially related to the

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1 7. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
6 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
7 or administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 “(b) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
12 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
13 injurious to himself or herself, any other person, or the public or to the extent that such use
14 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
15 license.

16 “(c) Be convicted of a criminal offense involving the prescription, consumption,
17 or self-administration of any of the substances described in subdivisions (a) and (b) of this
18 section, or the possession of, or falsification of a record pertaining to, the substances described in
19 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
20 thereof.”

21 8. Section 490 of the Code states:

22 “A board may suspend or revoke a license on the ground that the licensee has
23 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
24 duties of the business or profession for which the license was issued. A conviction within the
25 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
26 contendere. Any action which a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code.”

3 9. California Code of Regulations, title 16, section 1444 states:

4 “A conviction or act shall be considered to be substantially related to the
5 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
6 present or potential unfitness of a registered nurse to practice in a manner consistent with the
7 public health, safety, or welfare.”

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 11. **CONTROLLED SUBSTANCES**

13 a. “Ativan,” is a brand of lorazepam, a benzodiazepine derivative. It is a
14 Schedule IV controlled substance as designated by Health and Safety Code section 11055(d)(11)
15 and is categorized as a “dangerous drug” pursuant to Business and Professions Code section
16 4022.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Conviction of Substantially Related Crimes)**

19 12. Respondent is subject to disciplinary action under section 2761,
20 subdivision (f) and 490 of the Code, as defined in California Code of Regulations, title 16,
21 section 1444, in that Respondent has been convicted of crimes substantially related to the
22 qualifications, functions or duties of a registered nurse, as follows:

23 a. On or about August 8, 2005, Respondent was convicted on a guilty plea
24 for violating one count of Vehicle Code section 23152, subdivision (a), a misdemeanor (driving
25 under the influence of alcohol or drugs) and one count for violating Vehicle Code section 40508,
26 subdivision (a), a misdemeanor (failure to appear), in the Superior Court of California, County of
27 Riverside, Riverside Judicial District, Case No. SWM032367 entitled *The People of the State of*
28 *California v. Suzanne Marie Phelps*.

1 b. The circumstances surrounding the conviction are that on or about
2 September 29, 2004, Respondent was involved in a traffic accident with another vehicle. She
3 was subsequently found to be under the influence of alcohol or drugs.

4 c. On or about January 20, 2005, Respondent was convicted by the Court on
5 a guilty plea for violating one count of Vehicle Code section 21460A, a misdemeanor (improper
6 turn over double line), in the Superior Court of California, County of Riverside, Riverside
7 Judicial District, Case No. RIM455722 entitled *The People of the State of California v. Suzanne*
8 *Marie Phelps*.

9 d. The circumstances surrounding the conviction are that on or about July 18,
10 2004, at approximately 2110 hours, Respondent was observed by a police officer, making an
11 improper turn over a double yellow line. After the enforcement stop, Respondent was given a
12 field sobriety test where the police officer determined that Respondent was operating the vehicle
13 under the influence of prescription medicine (Vicodin).

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Under the Influence of Alcohol or Drugs)**

16 13. Respondent's license is subject to disciplinary action under section 2761,
17 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in section
18 2762, subdivision (b), as follows:

19 a. On or about August 6, 2004, Respondent ingested alcohol and/or drugs
20 and was unresponsive and unconscious requiring medication to revive. Respondent was
21 transported to Riverside Community Hospital for treatment.

22 b. On or about September 11, 2004, while employed as a registered nurse at
23 Country Villa in Riverside, California, Respondent diverted and ingested medications, including
24 Atvian, that she had taken from Country Villa. Respondent suffered an overdose from the
25 medications and became unresponsive and unconscious. Respondent was transported to
26 Riverside Community Hospital for treatment.

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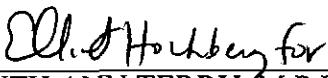
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/5/07



RUTH ANN TERRY, M.P.H, R.N
Executive Officer
Board of Registered Nursing
State of California
Complainant

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